

JEFFREY BOSSERT CLARK
Acting Assistant Attorney General
ALEXANDER K. HAAS
Branch Director
DIANE KELLEHER
BRAD P. ROSENBERG
Assistant Branch Directors
M. ANDREW ZEE
ALEXANDER V. SVERDLOV
STEPHEN EHRLICH
Trial Attorneys
U.S. Department of Justice
Civil Division - Federal Programs Branch
1100 L Street, NW
Washington, D.C. 20005
Telephone: (415) 436-6646

Attorneys for Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

NATIONAL URBAN LEAGUE, *et al.*,

Plaintiff,

v.

WILBUR L. ROSS, JR., *et al.*,

Defendants.

Case No. 5:20-cv-05799-LHK

**DEFENDANTS' RESPONSE TO THE
COURT'S INSTRUCTION DURING
OCTOBER 6, 2020, CASE MANAGEMENT
CONFERENCE**

During the October 6, 2020 Case Management Conference, the Court instructed the parties to identify up to 35 documents from among those produced by Defendants that the parties believe are important documents for the Court's consideration. In response to that instruction, Defendants have attached to this Notice fifteen documents they have identified, with the Bates numbers shown below. Defendants submit these documents in response to the Court's instruction and without waiving either their positions that (i) these documents are any more "important" or "key" than any other from among those the Court ordered to be produced; or (ii) this case involves neither agency action nor final agency action subject to judicial review under the Administrative Procedure Act that would warrant production of an administrative record, *see* 5 U.S.C. § 704.

- | | | | |
|----|-------------|-----|-------------|
| 1. | 1-220 | 9. | 15749-15751 |
| 2. | 415-439 | 10. | 15809 |
| 3. | 857-868 | 11. | 15877-15884 |
| 4. | 898-911 | 12. | 15885 |
| 5. | 10068-10075 | 13. | 15899-15908 |
| 6. | 15627-15631 | 14. | 15960-15961 |
| 7. | 15632-15638 | 15. | 15969 |
| 8. | 15653-15655 | | |

DATED: October 9, 2020

Respectfully submitted,

JEFFREY BOSSERT CLARK
Acting Assistant Attorney General

ALEXANDER K. HAAS
Branch Director

DIANE KELLEHER

BRAD P. ROSENBERG
Assistant Branch Directors

/s/ M. Andrew Zee

ALEXANDER V. SVERDLOV

(NY Bar No. 4918793)

M. ANDREW ZEE (CA Bar No. 272510)

STEPHEN EHRLICH (NY Bar No. 5264171)

Trial Attorneys

U.S. Department of Justice

Civil Division - Federal Programs Branch

1100 L Street, NW

Washington, D.C. 20005

Telephone: (415) 436-6646

Attorneys for Defendants